GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA

UNSTARRED QUESTION NO:4294
ANSWERED ON:18.12.2001
ENTITLEMENT FOR MAINTENANCE UNDER SECTION 125 OF IPC
P.R. KHUTE

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether under Section 125 of Indian Penal Code such divorced women who have registered false cases of dowry against their husbands and their families are entitled for maintenance; and

(b) if so, the details thereof ?

Answer

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (I.D.SWAMI)

(a) & (b): Section 125 of the Indian Penal Code, 1860 provides punishment for waging war against any Asiatic power in alliance with the Government of India and not with order for maintenance of wives, children and parents. It is section 125 of the Code of Criminal Procedure, 1973, which provides that any person having sufficient means, neglects or refuses to maintain his wife, children or parents unable to maintain herself/himself, a Magistrate of the First Class may, upon proof of refusal, order such person to make a monthly allowance for the maintenance of his wife or such child, father or mother.

Sub-section (4) of section 125 of Code of Criminal Procedure, 1973 also provides that no wife shall be entitled to receive the maintenance from her husband if she is living in adultery, or if, without any sufficient reason, she refuses to live with her husband or if they are living separately by mutual consent.

As for any case registered by a wife against her husband and his families, it is for the Court to decide whether such a case is false or otherwise.